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EXAMINER

FERNANDES, CHERYL M

ART UNIT PAPER NUMBER

2171

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/026,808

Applicant(s)

NAGATA, MASAYA

Examiner

Cheryl M Fernandes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 7, 8, 12, 14-19, 21-24, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Number 6,493,724 B1 issued to Cusack et al (hereafter Cusack).

3. Referring to claims 1, 15, 17, and 19, Cusack discloses:

Label information providing methods, program, and device (Abstract; Field of Invention; col.1, lines 41-44, 54-62; col. 6, lines 9-18), comprising the steps of:

- storing label information related to a label ('sample table', col. 5, lines 4-9; col. 7, lines 21-39), which shows at least commodity information ('biological samples'<sup>1</sup>, col. 5, lines 20-23; Fig. 1, element 14), in storage means ('database', Fig. 1, element 14, col. 5, lines 20-23) by type of a commodity to which the label is affixed ('sample information', col. 8, lines 31-60); and
- reading out the label information which is required to be downloaded from the storage means (col. 6, lines 42-65) and sending out the label information to a

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<sup>1</sup> The biological samples belonging to a plurality of sample providers in the database (Fig. 1, element 14) are maintained in the sample table.

user's terminal ('web browsers', Fig. 2; col. 6, lines 53-57)<sup>2</sup> when accessed by the user's terminal with reference to access destination information ('WIM host site' (Fig. 1, element 12), col. 5, lines 27-54; col. 6, lines 15-24) whereby a user requires downloading of the label information related to a label affixed to an arbitrary commodity (col. 6, lines 42-65)<sup>3</sup>.

4. Referring to claims 8, 16, 18, and 24, Cusack discloses:

Label information providing methods, program, and device (Abstract; Field of Invention; col.1, lines 41-44, 54-62; col. 6, lines 9-18), comprising the steps of:

- storing label information related to a label ('sample table', col. 5, lines 4-9; col. 7, lines 21-39), which shows at least commodity information ('biological samples'<sup>4</sup>, col. 5, lines 20-23; Fig. 1, element 14), in storage means ('database', Fig. 1, element 14, col. 5, lines 20-23) by type of a commodity to which the label is affixed ('sample information', col. 8, lines 31-60);
- storing the commodity information included in the label information in the storage means by relating the commodity information to the label information ('biological samples' are stored in the database (Fig. 1, element 14), col. 5, lines 20-23); and
- carrying out a search for label information which is stored in the storage means (Abstract; col. 1, lines 41-44, 53-62; col. 1, line 6- col. 2, line 2; 'search

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<sup>2</sup> Samples are transferred to sample providers or sample buyers easily and electronically using bar codes.

<sup>3</sup> Buyers can use bar code information to download the full record associated with a sample to their computers.

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engine', col. 3, lines 45-49, 57-59; col. 9, line 34 - col. 10, line 31, Fig. 7- 8; col. 11, line 31- col. 13, line 38, Fig. 12) with reference to inputted commodity information ('Medical field' sample information value is input into the search query, col. 13, lines 5-10 and 25- 38, Fig. 12) and sending out label information corresponding to a search result to a user's terminal ('web enabled computer'<sup>5</sup>, col. 5, lines 27-34; col. 9, line 34- col. 10, line 31; ('web browsers', Fig. 2; col. 6, lines 53-57), when accessed by the user's terminal with reference to access destination information ('WIM host site' (Fig. 1, element 12), col. 5, lines 27-54; col. 6, lines 15-24) whereby a user requires downloading of the label information related to a label affixed to an arbitrary commodity (col. 6, lines 42-65)<sup>6</sup>, and the commodity information included in the label information which is required to be downloaded is inputted through the user's terminal (see (Medical) Field sample information field in Fig. 12; also refer to col. 13, lines 5-10 and 25-38).

5. Referring to claims 5 and 12, Cusack discloses that the access destination information is a URL (col. 3, lines 49-52).
6. Referring to claims 7 and 14, Cusack discloses that the label information is electronic data (col. 5, lines 27-34; col. 6, lines 42-57).

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<sup>4</sup> The biological samples belonging to a plurality of sample providers in the database (Fig. 1, element 14) are maintained in the sample table.

<sup>5</sup> Researchers or buyers register on the WIM host site by a web enabled computer. In addition, they can perform quick or detailed searches for samples and are then provided with the search results. Examiner asserts that the search results shown are therefore accessed by the web-enabled computer.

7. Referring to claims 21 and 26 Cusack discloses:
- storage of commodity provider information ('seller\_id' stored in database, col. 4, lines 52-64 (Fig. 4); col. 5, lines 43-67<sup>7</sup>); and
  - judging whether or not commodity provider information inputted from the user's terminal exists in the information stored, and only when judging that the commodity provider information exists in storage, sending out label information corresponding to a search result to the user's terminal (col. 10, lines 13-31<sup>8</sup>; col. 11, line 31- col. 12, line 9; col. 13, lines 20-23 and 34-43<sup>9</sup>).
8. Referring to claims 22, 23, 27, and 28, Cusack discloses storing user information and commodity provider information, which are inputted from the user's terminal by relating the user information to the commodity provider information (col. 5, lines 19-67; col. 10, lines 13-37 and 49-67<sup>10</sup>).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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<sup>6</sup> Buyers can use bar code information to download the full record associated with a sample to their computers.

<sup>7</sup> Sample provider information is stored on WIM site when the provider registers as a user.

<sup>8</sup> The buyer can perform a search by sample provider.

<sup>9</sup> The buyer can search by provider information and if there are no matching providers, a negative search result is returned.

<sup>10</sup> The registered buyer (whose information is stored at the time of registering) enters a desired item into a Wish List. The WIM host site then generates a search for appropriate providers to send the Wish List information to. Examiner asserts that in order to conduct a search for the appropriate provider, the provider information must be stored. Also see col. 5, lines 19-67 for provider registration.

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 9, 20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusack as applied to claims 1, 8, 19, and 24 above, in view of US Publication Number 2002/0004753 A1 by Perkowski.

Referring to claims 2, 9, 20, and 25, Cusack discloses all of the above claimed subject matter but fails to disclose including access destination information in the commodity (in light of para. 34-36 of the instant specification).

However, Perkowski teaches analogous art wherein through a 'UPC Request service', access destination information (the homepage of any manufacturer) is automatically accessed by scanning the UPC number on a product (para. 80, 84, 216). In addition, Perkowski teaches the downloading of a plug-in software that automatic installs a 'product information' button on the consumer's Internet browser so that the UPC Request website can be accessed anywhere in the world. The consumer is also able to request product related information to be sent from the manufacturer (para. 225).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Cusack to include access destination information in the commodity information, as taught by Perkowski.

The ordinary skilled artisan would have been motivated to modify Cusack per the above for the purpose of finding and serving consumer-product related information on the Internet accessible from the Websites of each manufacturer registered with the system database (para. 55).

11. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusack in view of Perkowski as applied to claims 1, 2, 8, and 9 above, and further in view of US Patent Number 5,978,773 issued to Hudetz et al (hereafter Hudetz).

Referring to claims 3 and 10, the combination of Cusack/Perkowski discloses all of the above claimed subject matter but fails to disclose that access destination information is included in the same label that shows commodity information of the commodity.

However, Hudetz discloses analogous art wherein access destination information is included in the same label that shows commodity information of a commodity (see col. 1, lines 15-23 and 38-45; col. 6, lines 7-27; col. 11, lines 9-38 in reference to Fig. 9).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Cusack/Perkowski to include the teaching that access destination information is included in the same label that shows commodity information of a commodity, as taught by Hudetz.

The ordinary skilled artisan would have been motivated to modify the combination of Cusack/Perkowski per the above for the purpose of using bar codes to eliminate the necessity of manually entering network addresses (URLs). In addition, the use of UPC product bar-codes to access URLs allows for changes in network addresses to be made as only databases of addresses need to be changed instead of the redesigning of all products and packaging bearing the UPC codes (col. 4, lines 4-30).



12. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusack in view of Perkowski as applied to claims 1, 2, 8, and 9 above, and further in view of US Patent Number 6,279,170 B1 issued to Chu.

Referring to claims 4 and 11, the combination of Cusack/Perkowski discloses all of the above claimed subject matter but fails to disclose access destination information included in a label which is different from a label showing commodity information.

However, Chu discloses analogous art wherein access destination information (web address) included in a label is different from a label showing commodity information (see Summary; col. 3, lines 26-49 in reference to Fig. 4 A-C and Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Cusack/Perkowski to include access destination information included in a label which is different from a label showing commodity information, as taught by Chu.

The ordinary skilled artisan would have been motivated to modify the combination of Cusack/Perkowski per the above for the purpose of obviating the need for placing multiple labels on garments by using the active label of Chu to display changing information in multiple screen images (col. 1, lines 42-55).

13. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusack as applied to claims 1, 5, 8, and 12 above, in view of Hudetz.

Referring to claims 6 and 13, Cusack discloses all of the above claimed subject matter but fails to disclose that the access destination information is bar-coded information of the URL.

However, Hudetz teaches analogous art wherein the accessing of Internet resources is performed by a user entering a product UPC number which causes a database that relates UPC numbers to URL addresses to retrieve URL corresponding to the UPC number entered (Abstract; col. 3, lines 24-36).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Cusack to include bar-coded access destination information of a URL, as taught by Hudetz.

The ordinary skilled artisan would have been motivated to modify Cusack per the above for the purpose of using bar codes to eliminate the necessity of manually entering network addresses (URLs). In addition, the use of UPC product bar-codes to access URLs allows for changes in network addresses to be made as only databases of addresses need to be changed instead of the redesigning of all products and packaging bearing the UPC codes (col. 4, lines 4-30).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Fernandes whose telephone number is (703) 305-3917. The examiner can normally be reached on 9:00 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMF  
July 8, 2004

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER